

HOUSE BILL NO. 747

INTRODUCED BY D. FUCHS

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING CLASS FOURTEEN PROPERTY; PROVIDING THAT
5 CLASS FOURTEEN INCLUDES HOMESTEAD PROPERTY; INCLUDING PROPERTY THAT IS ELIGIBLE FOR
6 THE PROPERTY TAX ASSISTANCE PROGRAM IN CLASS FOURTEEN PROPERTY; TAXING CLASS
7 FOURTEEN PROPERTY AT 3.46 PERCENT OF ITS TAXABLE MARKET VALUE; ALLOWING AN ELECTION
8 OF THE HOMESTEAD CLASSIFICATION FOR A DWELLING IF THE OWNER OF A HOMESTEAD HAS
9 OTHER DWELLINGS; REQUIRING A PROPERTY OWNER TO APPLY FOR CLASSIFICATION OF THE
10 OWNER'S PROPERTY AS CLASS FOURTEEN PROPERTY; AMENDING SECTIONS 5-2-301, 7-13-2527,
11 15-2-301, 15-6-134, 15-6-191, 15-6-201, 15-7-102, 15-7-103, 15-7-111, 15-8-111, 15-8-205, 15-10-420,
12 15-16-102, AND 15-32-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY
13 DATES."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **NEW SECTION. Section 1. Class fourteen property -- description -- taxable percentage.** (1) Class
18 fourteen property includes:

19 (a) subject to [section 2], 15-6-201(1)(z), and subsections (1)(d) and (1)(e) of this section, residential
20 land, except that specifically included in another class;

21 (b) subject to [section 2], 15-6-201(1)(z), and subsections (1)(d) and (1)(e) of this section, all
22 improvements, including trailers, manufactured homes, or mobile homes used as a residence, except those
23 specifically included in another class;

24 (c) the first \$100,000 or less of the taxable market value of any improvement on real property, including
25 trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned or under
26 contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of any
27 person whose total income from all sources, including net business income and otherwise tax-exempt income
28 of all types but not including social security income paid directly to a nursing home, is not more than \$15,000
29 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection
30 (2)(b)(ii). For the purposes of this subsection (1)(c), net business income is gross income less ordinary operating

1 expenses but before deducting depreciation or depletion allowance, or both.

2 (d) subject to [section 2] and 15-6-201(1)(z), all improvements on land that is eligible for valuation,
 3 assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath
 4 improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

5 (e) (i) single-family residences that qualify as homesteads as provided in [section 2], including trailers,
 6 manufactured homes, or mobile homes;

7 (ii) appurtenant improvements to the residences including 5 acres of land upon which the residences
 8 are located and any leasehold improvements.

9 (2) Class fourteen property is taxed as follows:

10 (a) Except as provided in subsection (2)(b), property described in subsections (1)(a), (1)(b), (1)(d), and
 11 (1)(e) is taxed at 3.46% of its taxable market value.

12 (b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at the
 13 rate provided in subsection (2)(a) of its taxable market value multiplied by a percentage figure based on income
 14 and determined from the following table:

| 15 | Income | Income | Percentage |
|----|----------------|-------------------|------------|
| 16 | Single Person | Married Couple | Multiplier |
| 17 | | Head of Household | |
| 18 | \$0 - \$ 6,000 | \$0 - \$8,000 | 20% |
| 19 | 6,001 - 9,200 | 8,001 - 14,000 | 50% |
| 20 | 9,201 - 15,000 | 14,001 - 20,000 | 70% |

21 (ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually
 22 by the department. The adjustment to the income levels is determined by:

23 (A) multiplying the appropriate dollar amount from the table in subsection (2)(b)(i) by the ratio of the PCE
 24 for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and

25 (B) rounding the product thus obtained to the nearest whole dollar amount.

26 (iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly
 27 in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

28
 29 **NEW SECTION. Section 2. Homestead.** (1) "Homestead", for the purposes of property taxation,
 30 means the owner-occupied dwelling used as the primary dwelling place of the owner. The primary dwelling place

1 is the single place where an individual has a fixed and permanent home and principal establishment and to
2 which whenever the individual is absent the individual has the intention of returning. The homestead may be
3 occupied by any members of the owner's household as their home. The homestead includes appurtenant land
4 not exceeding 5 acres owned or under contract for deed and that is reasonably necessary for the use of the
5 dwelling as a home.

6 (2) (a) To qualify as a homestead, the property must have been the owner's primary dwelling place on
7 January 1 of the year for which the claim is made and for at least 7 months during the prior year. If the dwelling
8 was owned by the claimant for less than 1 year, the claimant must have resided in the dwelling for a majority
9 of the time that the claimant owned the dwelling.

10 (b) A primary dwelling that qualified as a homestead continues to qualify as a homestead if the claimant
11 resides in a health care facility and the owner does not rent or lease the dwelling to others.

12 (3) The owner of a homestead and other residential dwellings may elect to have the homestead
13 classification apply to the homestead or any one of the other residential dwellings. The homestead classification
14 may not apply to a dwelling that the owner rents or leases to others.

15
16 **NEW SECTION. Section 3. Application for homestead classification.** (1) A person applying for
17 classification of homestead property as class fourteen property shall make an affidavit to the department, on a
18 form provided by the department without cost, stating:

19 (a) the fact that the person maintains the land and improvements as the person's homestead; and

20 (b) other information that is relevant to the applicant's eligibility.

21 (2) This application must be made before February 1 of the year the applicant seeks the classification.
22 For the tax year beginning January 1, 2003, the application must be made before July 15, 2003. The application
23 remains in effect in subsequent years unless there is a change in the ownership of the property. The taxpayer
24 shall inform the department of any change in ownership. The department may inquire by mail whether there is
25 any change in ownership.

26 (3) The affidavit is sufficient if the applicant signs a statement affirming the correctness of the
27 information supplied, whether or not the statement is signed before a person authorized to administer oaths, and
28 mails the application and statement to the department. The signed statement must be treated as a statement
29 under oath or equivalent affirmation for the purposes of 45-7-202, relating to the criminal offense of false
30 swearing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Section 4. Section 5-2-301, MCA, is amended to read:

"5-2-301. Compensation and expenses for members while in session. (1) Legislators are entitled to a salary commensurate to that of the daily rate of an entry grade 10 classified state employee in effect when the regular session of the legislature in which they serve is convened under 5-2-103 for those days during which the legislature is in session. The president of the senate and the speaker of the house must receive an additional \$5 a day in salary for those days during which the legislature is in session.

(2) Legislators may serve for no salary.

(3) Subject to subsection (4), legislators are entitled to a daily allowance, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments must stop when the legislature recesses for more than 3 days and resume when the legislature reconvenes.

(4) After November 15, and prior to December 15 of each even-numbered year, the department of administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall include the average daily expense allowance for Montana legislators in determining the average daily rate for legislators. The department shall include only states with specific daily allowances in the calculation of the average. If the average daily rate is greater than the daily rate for legislators in Montana, legislators are entitled to a new daily rate for those days during which the legislature is in session. The new daily rate is the daily rate for the prior legislative session, increased by the percentage rate increase as determined by the survey, a cost of living increase to reflect inflation that is calculated pursuant to ~~15-6-134~~ section 1, or 5%, whichever is less. The expense allowance is effective when the next regular session of the legislature in which the legislators serve is convened under 5-2-103.

(5) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the place of the holding of the session and to return to their place of residence at the conclusion of the session.

(6) In addition to the mileage allowance provided for in subsection (5), legislators, upon submittal of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

- (a) three additional round trips to their place of residence during each regular session; and
- (b) additional round trips as authorized by the legislature during special session.

(7) Legislators are not entitled to any additional mileage allowance under subsection (5) for a special session if it is convened within 7 days of a regular session."

1 **Section 5.** Section 7-13-2527, MCA, is amended to read:

2 **"7-13-2527. List of property owners.** (1) A copy of the order creating the district must be delivered
3 to the department of revenue.

4 (2) The department shall, on or before August 1 of each year, prepare and certify a list of all persons
5 owning class four or class fourteen property within the district and deliver a copy of the list to the board of
6 trustees of the district."

7
8 **Section 6.** Section 15-2-301, MCA, is amended to read:

9 **"15-2-301. Appeal of county tax appeal board decisions.** (1) The county tax appeal board shall mail
10 a copy of its decision to the taxpayer and to the property assessment division of the department ~~of revenue~~. If
11 the appearance provisions of 15-15-103 have been complied with, a person or the department on behalf of the
12 state or any municipal corporation aggrieved by the action of the county tax appeal board may appeal to the
13 state tax appeal board by filing with the state ~~tax appeal~~ board a notice of appeal within 30 calendar days after
14 the receipt of the decision of the county board. The notice must specify the action complained of and the reasons
15 assigned for the complaint. Notice of acceptance of an appeal must be given to the county tax appeal board by
16 the state tax appeal board. The state board shall set the appeal for hearing either in its office in the capital or
17 the county seat as the board considers advisable to facilitate the performance of its duties or to accommodate
18 parties in interest. The board shall give to the appellant and to the respondent at least 15 calendar days' notice
19 of the time and place of the hearing.

20 (2) At the time of giving notice of acceptance of an appeal, the state tax appeal board may require the
21 county tax appeal board to certify to it the minutes of the proceedings resulting in the action and all testimony
22 taken in connection with its proceedings. The state board may, in its discretion, determine the appeal on the
23 record if all parties receive a copy of the transcript and are permitted to submit additional sworn statements, or
24 the state board may hear further testimony. For the purpose of expediting its work, the state board may refer any
25 appeal to one of its members or to a designated hearings officer. The board member or hearings officer may
26 exercise all the powers of the board in conducting a hearing and shall, as soon as possible after the hearing,
27 report the proceedings, together with a transcript or a tape recording of the hearing, to the board. The state
28 board shall determine the appeal on the record.

29 (3) On all hearings at county seats throughout the state, the state tax appeal board or the member or
30 hearings officer designated to conduct a hearing may employ a competent person to electronically record the

1 testimony received. The cost of electronically recording testimony may be paid out of the general appropriation
2 for the board.

3 (4) In connection with any appeal under this section, the state tax appeal board is not bound by common
4 law and statutory rules of evidence or rules of discovery and may affirm, reverse, or modify any decision. To the
5 extent that this section is in conflict with the Montana Administrative Procedure Act, this section supersedes that
6 act. The state ~~tax appeal~~ board may not amend or repeal any administrative rule of the department. The state
7 ~~tax appeal~~ board shall give an administrative rule full effect unless the board finds a rule arbitrary, capricious,
8 or otherwise unlawful.

9 (5) The decision of the state tax appeal board is final and binding upon all interested parties unless
10 reversed or modified by judicial review. Proceedings for judicial review of a decision of the state ~~tax appeal~~ board
11 under this section are subject to the provisions of 15-2-303 and the Montana Administrative Procedure Act to
12 the extent that it does not conflict with 15-2-303.

13 (6) Sections 15-6-134, [section 1], and 15-7-111 may not be construed to prevent the department from
14 implementing an order to change the valuation of property."
15

16 **Section 7.** Section 15-6-134, MCA, is amended to read:

17 **"15-6-134. Class four property -- description -- taxable percentage.** (1) Class four property includes:

18 (a) subject to 15-6-201(1)(z) and (1)(aa) and subsections ~~(1)(f)~~ (1)(d) and ~~(1)(g)~~ (1)(e) of this section,
19 all land, except that specifically included in another class;

20 (b) subject to 15-6-201(1)(z) and (1)(aa) and subsections ~~(1)(f)~~ (1)(d) and ~~(1)(g)~~ (1)(e) of this section,
21 all improvements, including trailers, manufactured homes, or mobile homes used as a residence, except those
22 specifically included in another class;

23 ~~————(c) the first \$100,000 or less of the taxable market value of any improvement on real property, including~~
24 ~~trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned or under~~
25 ~~contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of any~~
26 ~~person whose total income from all sources, including net business income and otherwise tax-exempt income~~
27 ~~of all types but not including social security income paid directly to a nursing home, is not more than \$15,000~~
28 ~~for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection~~
29 ~~(2)(b)(ii). For the purposes of this subsection (1)(c), net business income is gross income less ordinary operating~~
30 ~~expenses but before deducting depreciation or depletion allowance, or both.~~

1 ~~(d)(c)~~ all golf courses, including land and improvements actually and necessarily used for that purpose,
 2 that consist of at least nine holes and not less than 700 lineal yards;

3 ~~—— (e) subject to 15-6-201(1)(z), all improvements on land that is eligible for valuation, assessment, and~~
 4 ~~taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land~~
 5 ~~described in 15-6-133(1)(c). The 1 acre must be valued at market value.~~

6 ~~(f)(d)~~ (i) single-family residences, including trailers, manufactured homes, or mobile homes that are not
 7 homestead residences;

8 (ii) rental multifamily dwelling units;

9 (iii) appurtenant improvements to the residences or dwelling units, including the parcels of land upon
 10 which the residences and dwelling units are located and any leasehold improvements; and

11 (iv) vacant residential lots; and

12 ~~(g)(e)~~ (i) commercial buildings and the parcels of land upon which they are situated; and

13 (ii) vacant commercial lots.

14 (2) Class four property is taxed as follows:

15 (a) ~~(i) Except as provided in 15-24-1402, 15-24-1501, and 15-24-1502, and subsection (2)(a)(ii) of this~~
 16 ~~section, property described in subsections (1)(a), (1)(b), ~~(1)(e), (1)(f)~~ (1)(d), and ~~(1)(g)~~ (1)(e) of this section is~~
 17 ~~taxed at 3.794% 3.46%~~ of its taxable market value in tax year 1999.

18 ~~—— (ii) The taxable percentage rate in subsection (2)(a)(i) must be adjusted downward by subtracting 0.0835~~
 19 ~~percentage points each year until the tax rate is equal to or less than 3.46%.~~

20 ~~—— (b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at the~~
 21 ~~rate provided in subsection (2)(a)(ii) of its market value multiplied by a percentage figure based on income and~~
 22 ~~determined from the following table:~~

| Income | | Income | | Percentage |
|----------------|-----------------|-------------------|--|------------|
| Single Person | Married Couple | Head of Household | | Multiplier |
| \$0 - \$6,000 | \$0 - \$8,000 | | | 20% |
| 6,001 - 9,200 | 8,001 - 14,000 | | | 50% |
| 9,201 - 15,000 | 14,001 - 20,000 | | | 70% |

29 ~~—— (ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually~~
 30 ~~by the department. The adjustment to the income levels is determined by:~~

1 ~~_____ (A) multiplying the appropriate dollar amount from the table in subsection (2)(b)(i) by the ratio of the PCE~~
 2 ~~for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and~~

3 ~~_____ (B) rounding the product thus obtained to the nearest whole dollar amount.~~

4 ~~_____ (iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly~~
 5 ~~in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.~~

6 ~~(c)(b)~~ Property described in subsection ~~(4)(d)~~ (1)(c) is taxed at one-half the taxable percentage rate
 7 established in subsection (2)(a)(f).

8 (3) Within the meaning of comparable property, as defined in 15-1-101, property assessed as
 9 commercial property is comparable only to other property assessed as commercial property and property
 10 assessed as other than commercial property is comparable only to other property assessed as other than
 11 commercial property."

12

13 **Section 8.** Section 15-6-191, MCA, is amended to read:

14 **"15-6-191. Application for certain class ~~four~~ fourteen classifications.** (1) A person applying for
 15 classification of property under the property tax assistance program described in ~~15-6-134(1)(e)~~ [section 1(1)(c)]
 16 shall make an affidavit to the department of revenue, on a form provided by the department without cost, stating:

17 (a) the person's income;

18 (b) the fact that the person maintains the land and improvements as the person's primary residential
 19 dwelling, when applicable; and

20 (c) other information that is relevant to the applicant's eligibility.

21 (2) This application must be made before March 15 of the year after the applicant becomes eligible. The
 22 application remains in effect in subsequent years unless there is a change in the applicant's eligibility. The
 23 taxpayer shall inform the department of any change in eligibility. The department may inquire by mail whether
 24 any change in eligibility has taken place and may require a new statement of eligibility at any time that it
 25 considers necessary.

26 (3) The affidavit is sufficient if the applicant signs a statement affirming the correctness of the
 27 information supplied, whether or not the statement is signed before a person authorized to administer oaths, and
 28 mails the application and statement to the department. This signed statement must be treated as a statement
 29 under oath or equivalent affirmation for the purposes of 45-7-202, relating to the criminal offense of false
 30 swearing."

- 1
- 2 **Section 9.** Section 15-6-201, MCA, is amended to read:
- 3 **"15-6-201. (Temporary) Exempt categories.** (1) The following categories of property are exempt from
- 4 taxation:
- 5 (a) except as provided in 15-24-1203, the property of:
- 6 (i) the United States, except:
- 7 (A) if congress passes legislation that allows the state to tax property owned by the federal government
- 8 or an agency created by congress; or
- 9 (B) as provided in 15-24-1103;
- 10 (ii) the state, counties, cities, towns, and school districts;
- 11 (iii) irrigation districts organized under the laws of Montana and not operating for profit;
- 12 (iv) municipal corporations;
- 13 (v) public libraries; and
- 14 (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;
- 15 (b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church
- 16 and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably
- 17 necessary for convenient use of the buildings;
- 18 (c) property used exclusively for agricultural and horticultural societies, for educational purposes, and
- 19 for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human
- 20 services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department
- 21 of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.
- 22 (d) property that is:
- 23 (i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;
- 24 (ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care
- 25 and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
- 26 (iii) not maintained and operated for private or corporate profit;
- 27 (e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or
- 28 local governmental entity by institutions of purely public charity if the property is directly used for purely public
- 29 charitable purposes;
- 30 (f) evidence of debt secured by mortgages of record upon real or personal property in the state of

1 Montana;

2 (g) public museums, art galleries, zoos, and observatories that are not used or held for private or
3 corporate profit;

4 (h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing
5 machines, and wearing apparel of members of the family, used by the owner for personal and domestic
6 purposes or for furnishing or equipping the family residence;

7 (i) truck canopy covers or toppers and campers;

8 (j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

9 (k) motor homes;

10 (l) all watercraft;

11 (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or
12 nonprofit corporation organized to furnish potable water to its members or customers for uses other than the
13 irrigation of agricultural land;

14 (n) the right of entry that is a property right reserved in land or received by mesne conveyance
15 (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another
16 to explore, prospect, or dig for oil, gas, coal, or minerals;

17 (o) (i) property that is owned and used by a corporation or association organized and operated
18 exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with
19 physical or mental impairments that constitute or result in substantial impediments to employment and that is
20 not operated for gain or profit; and

21 (ii) property that is owned and used by an organization owning and operating facilities that are for the
22 care of the retired, aged, or chronically ill and that are not operated for gain or profit;

23 (p) all farm buildings with a market value of less than \$500 and all agricultural implements and
24 machinery with a market value of less than \$100;

25 (q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training
26 and practice for or competition in international sports and athletic events and that is not held or used for private
27 or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization
28 that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted
29 under the Montana Nonprofit Corporation Act.

30 (r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily

- 1 hand-held and that are used to:
- 2 (A) construct, repair, and maintain improvements to real property; or
- 3 (B) repair and maintain machinery, equipment, appliances, or other personal property;
- 4 (ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture,
- 5 launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and
- 6 launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and
- 7 that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;
- 8 (s) harness, saddlery, and other tack equipment;
- 9 (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in
- 10 33-25-105;
- 11 (u) timber as defined in 15-44-102;
- 12 (v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in
- 13 61-1-114, and travel trailers as defined in 61-1-131;
- 14 (w) all vehicles registered under 61-3-456;
- 15 (x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors,
- 16 including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and
- 17 (ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection
- 18 (1)(x)(i);
- 19 (y) motorcycles and quadricycles;
- 20 (z) ~~the following percentage 31%~~ of the market value of residential property ~~as~~ described in
- 21 ~~15-6-134(1)(e) and (1)(f)~~ 15-6-134(1)(d) and [section 1]:
- 22 ~~—— (i) 23% for tax year 2000;~~
- 23 ~~—— (ii) 27.5% for tax year 2001; and~~
- 24 ~~—— (iii) 31% for tax year 2002 and succeeding tax years;~~
- 25 (aa) ~~the following percentage 13%~~ of the market value of commercial property as described in
- 26 ~~15-6-134(1)(g)(1)(e):~~
- 27 ~~—— (i) 9% for tax year 2000;~~
- 28 ~~—— (ii) 11% for tax year 2001; and~~
- 29 ~~—— (iii) 13% for tax year 2002 and succeeding tax years;~~
- 30 (bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used

1 by an industrial dairy;

2 (cc) items of personal property intended for rent or lease in the ordinary course of business if each item
3 of personal property satisfies all of the following:

4 (i) the acquired cost of the personal property is less than \$15,000;

5 (ii) the personal property is owned by a business whose primary business income is from rental or lease
6 of personal property to individuals and no one customer of the business accounts for more than 10% of the total
7 rentals or leases during a calendar year; and

8 (iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;

9 (dd) all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from
10 grain during the course of the construction of an ethanol manufacturing facility and for 10 years after completion
11 of construction of the manufacturing facility; and

12 (ee) light vehicles as defined in 61-1-139.

13 (2) (a) For the purposes of subsection (1)(e):

14 (i) the term "institutions of purely public charity" includes any organization that meets the following
15 requirements:

16 (A) The organization offers its charitable goods or services to persons without regard to race, religion,
17 creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal
18 Revenue Code, as amended.

19 (B) The organization accomplishes its activities through absolute gratuity or grants. However, the
20 organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public
21 performances or entertainment or by other similar types of fundraising activities.

22 (ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used
23 by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal
24 Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually
25 with the department a copy of its federal tax return reporting any unrelated business taxable income received
26 by the charity during the tax year, together with a statement indicating whether the exempt property was used
27 to generate any unrelated business taxable income.

28 (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and
29 observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold
30 property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes

1 all real and personal property reasonably necessary for use in connection with the public display or observatory
 2 use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual
 3 or for-profit organization, real and personal property owned by other persons is exempt if it is:

- 4 (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
- 5 (ii) held for future display; or
- 6 (iii) used to house or store a public display.

7 (3) For the purposes of subsection (1)(bb):

8 (a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes
 9 the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products
 10 solely for export from the state, either directly by the dairy or after the milk or milk product has been further
 11 processed by an industrial milk processor. After export, any unprocessed milk must be further processed into
 12 other dairy products.

13 (b) "industrial milk processor" means a facility and integral machinery used solely to process milk into
 14 milk products for export from the state.

15 (4) The following portions of the appraised value of a capital investment in a recognized nonfossil form
 16 of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt
 17 from taxation for a period of 10 years following installation of the property:

- 18 (a) \$20,000 in the case of a single-family residential dwelling;
- 19 (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure.

20 **15-6-201. (Effective on occurrence of contingency) Exempt categories.** (1) The following categories
 21 of property are exempt from taxation:

22 (a) except as provided in 15-24-1203, the property of:

23 (i) the United States, except:

24 (A) if congress passes legislation that allows the state to tax property owned by the federal government
 25 or an agency created by congress; or

26 (B) as provided in 15-24-1103;

27 (ii) the state, counties, cities, towns, and school districts;

28 (iii) irrigation districts organized under the laws of Montana and not operating for profit;

29 (iv) municipal corporations;

30 (v) public libraries; and

- 1 (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;
- 2 (b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church
3 and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably
4 necessary for convenient use of the buildings;
- 5 (c) property used exclusively for agricultural and horticultural societies, for educational purposes, and
6 for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human
7 services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department
8 of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.
- 9 (d) property that is:
- 10 (i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;
- 11 (ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care
12 and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
- 13 (iii) not maintained and operated for private or corporate profit;
- 14 (e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or
15 local governmental entity by institutions of purely public charity if the property is directly used for purely public
16 charitable purposes;
- 17 (f) evidence of debt secured by mortgages of record upon real or personal property in the state of
18 Montana;
- 19 (g) public museums, art galleries, zoos, and observatories that are not used or held for private or
20 corporate profit;
- 21 (h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing
22 machines, and wearing apparel of members of the family, used by the owner for personal and domestic
23 purposes or for furnishing or equipping the family residence;
- 24 (i) truck canopy covers or toppers and campers;
- 25 (j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- 26 (k) motor homes;
- 27 (l) all watercraft;
- 28 (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or
29 nonprofit corporation organized to furnish potable water to its members or customers for uses other than the
30 irrigation of agricultural land;

1 (n) the right of entry that is a property right reserved in land or received by mesne conveyance
2 (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another
3 to explore, prospect, or dig for oil, gas, coal, or minerals;

4 (o) (i) property that is owned and used by a corporation or association organized and operated
5 exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with
6 physical or mental impairments that constitute or result in substantial impediments to employment and that is
7 not operated for gain or profit; and

8 (ii) property that is owned and used by an organization owning and operating facilities that are for the
9 care of the retired, aged, or chronically ill and that are not operated for gain or profit;

10 (p) all farm buildings with a market value of less than \$500 and all agricultural implements and
11 machinery with a market value of less than \$100;

12 (q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training
13 and practice for or competition in international sports and athletic events and that is not held or used for private
14 or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization
15 that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted
16 under the Montana Nonprofit Corporation Act.

17 (r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily
18 hand-held and that are used to:

19 (A) construct, repair, and maintain improvements to real property; or

20 (B) repair and maintain machinery, equipment, appliances, or other personal property;

21 (ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture,
22 launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and
23 launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and
24 that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

25 (s) harness, saddlery, and other tack equipment;

26 (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in
27 33-25-105;

28 (u) timber as defined in 15-44-102;

29 (v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in
30 61-1-114, and travel trailers as defined in 61-1-131;

- 1 (w) all vehicles registered under 61-3-456;
- 2 (x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors,
3 including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and
- 4 (ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection
5 (1)(x)(i);
- 6 (y) motorcycles and quadricycles;
- 7 (z) ~~the following percentage 31%~~ of the market value of residential property as described in
8 ~~15-6-134(1)(e) and (1)(f)~~ 15-6-134(1)(d) and [section 1]:
- 9 ~~—— (i) 23% for tax year 2000;~~
- 10 ~~—— (ii) 27.5% for tax year 2001; and~~
- 11 ~~—— (iii) 31% for tax year 2002 and succeeding tax years;~~
- 12 (aa) ~~the following percentage 13%~~ of the market value of commercial property as described in
13 ~~15-6-134(1)(g)(1)(e):~~
- 14 (i) 9% for tax year 2000;
- 15 (ii) 11% for tax year 2001; and
- 16 (iii) 13% for tax year 2002 and succeeding tax years;
- 17 (bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used
18 by an industrial dairy;
- 19 (cc) items of personal property intended for rent or lease in the ordinary course of business if each item
20 of personal property satisfies all of the following:
- 21 (i) the acquired cost of the personal property is less than \$15,000;
- 22 (ii) the personal property is owned by a business whose primary business income is from rental or lease
23 of personal property to individuals and no one customer of the business accounts for more than 10% of the total
24 rentals or leases during a calendar year; and
- 25 (iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;
- 26 (dd) all agricultural implements and equipment;
- 27 (ee) all mining machinery, fixtures, equipment, tools, and supplies except those included in class five;
- 28 (ff) all manufacturing machinery, fixtures, equipment, tools, and supplies except those included in class
29 five;
- 30 (gg) all goods and equipment that are intended for rent or lease, except goods and equipment that are

- 1 specifically included and taxed in another class;
- 2 (hh) special mobile equipment as defined in 61-1-104;
- 3 (ii) furniture, fixtures, and equipment, except that specifically included in another class, used in
4 commercial establishments as defined in this section;
- 5 (jj) x-ray and medical and dental equipment;
- 6 (kk) citizens' band radios and mobile telephones;
- 7 (ll) radio and television broadcasting and transmitting equipment;
- 8 (mm) cable television systems;
- 9 (nn) coal and ore haulers;
- 10 (oo) theater projectors and sound equipment; and
- 11 (pp) light vehicles as defined in 61-1-139.
- 12 (2) (a) For the purposes of subsection (1)(e):
- 13 (i) the term "institutions of purely public charity" includes any organization that meets the following
14 requirements:
- 15 (A) The organization offers its charitable goods or services to persons without regard to race, religion,
16 creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal
17 Revenue Code, as amended.
- 18 (B) The organization accomplishes its activities through absolute gratuity or grants. However, the
19 organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public
20 performances or entertainment or by other similar types of fundraising activities.
- 21 (ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used
22 by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal
23 Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually
24 with the department a copy of its federal tax return reporting any unrelated business taxable income received
25 by the charity during the tax year, together with a statement indicating whether the exempt property was used
26 to generate any unrelated business taxable income.
- 27 (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and
28 observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold
29 property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes
30 all real and personal property reasonably necessary for use in connection with the public display or observatory

1 use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual
2 or for-profit organization, real and personal property owned by other persons is exempt if it is:

- 3 (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
- 4 (ii) held for future display; or
- 5 (iii) used to house or store a public display.

6 (3) For the purposes of subsection (1)(bb):

7 (a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes
8 the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products
9 solely for export from the state, either directly by the dairy or after the milk or milk product has been further
10 processed by an industrial milk processor. After export, any unprocessed milk must be further processed into
11 other dairy products.

12 (b) "industrial milk processor" means a facility and integral machinery used solely to process milk into
13 milk products for export from the state.

14 (4) The following portions of the appraised value of a capital investment in a recognized nonfossil form
15 of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt
16 from taxation for a period of 10 years following installation of the property:

- 17 (a) \$20,000 in the case of a single-family residential dwelling;
- 18 (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

19

20 **Section 10.** Section 15-7-102, MCA, is amended to read:

21 **"15-7-102. Notice of classification and appraisal to owners -- appeals.** (1) (a) Except as provided
22 in 15-7-138, the department shall mail to each owner or purchaser under contract for deed a notice of the
23 classification of the land owned or being purchased and the appraisal of the improvements on the land only if
24 one or more of the following changes pertaining to the land or improvements have been made since the last
25 notice:

- 26 (i) change in ownership;
- 27 (ii) change in classification;
- 28 (iii) except as provided in subsection (1)(b), change in valuation; or
- 29 (iv) addition or subtraction of personal property affixed to the land.

30 (b) After the first year, the department is not required to mail the notice provided for in subsection

1 (1)(a)(iii) if the change in valuation is the result of an annual incremental change in valuation caused by the
2 phasing in of a reappraisal under 15-7-111 or the application of the ~~exemption~~ exemptions under 15-6-201(1)(z)
3 or (1)(aa) or caused by an incremental change in the tax rate.

4 (c) The notice must include the following for the taxpayer's informational purposes:

5 (i) the total amount of mills levied against the property in the prior year; and

6 (ii) a statement that the notice is not a tax bill.

7 (d) Any misinformation provided in the information required by subsection (1)(c) does not affect the
8 validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

9 (2) (a) Except as provided in subsection (2)(c), the department shall assign each assessment to the
10 correct owner or purchaser under contract for deed and mail the notice of classification and appraisal on a
11 standardized form, adopted by the department, containing sufficient information in a comprehensible manner
12 designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over
13 the prior tax year.

14 (b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal
15 of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

16 (c) The department is not required to mail the notice of classification and appraisal to a new owner or
17 purchaser under contract for deed unless the department has received the transfer certificate from the clerk and
18 recorder as provided in 15-7-304 and has processed the certificate before the notices required by subsection
19 (2)(a) are mailed. The department shall notify the county tax appeal board of the date of the mailing.

20 (3) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market
21 value of the property as determined by the department or with the classification of the land or improvements,
22 the owner may request an assessment review by submitting an objection in writing to the department, on forms
23 provided by the department for that purpose, within 30 days after receiving the notice of classification and
24 appraisal from the department. The review must be conducted informally and is not subject to the contested case
25 procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider
26 the actual selling price of the property, independent appraisals of the property, and other relevant information
27 presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The
28 department shall give reasonable notice to the taxpayer of the time and place of the review. After the review,
29 the department shall determine the correct appraisal and classification of the land or improvements and notify
30 the taxpayer of its determination. In the notification, the department shall state its reasons for revising the

1 classification or appraisal. When the proper appraisal and classification have been determined, the land must
2 be classified and the improvements appraised in the manner ordered by the department.

3 (4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an
4 appraisal or classification upon the taxpayer's objection unless:

5 (a) the taxpayer has submitted an objection in writing; and

6 (b) the department has stated its reason in writing for making the adjustment.

7 (5) A taxpayer's written objection to a classification or appraisal and the department's notification to the
8 taxpayer of its determination and the reason for that determination are public records. The department shall
9 make the records available for inspection during regular office hours.

10 (6) If any property owner feels aggrieved by the classification or appraisal made by the department after
11 the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal
12 board and then to the state tax appeal board, whose findings are final subject to the right of review in the courts.
13 The appeal to the county tax appeal board must be filed within 30 days after notice of the department's
14 determination is mailed to the taxpayer. A county tax appeal board or the state tax appeal board may consider
15 the actual selling price of the property, independent appraisals of the property, and other relevant information
16 presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the
17 state tax appeal board determines that an adjustment should be made, the department shall adjust the base
18 value of the property in accordance with the board's order."

19

20 **Section 11.** Section 15-7-103, MCA, is amended to read:

21 **"15-7-103. Classification and appraisal -- general and uniform methods.** (1) ~~It is the duty of the~~ The
22 ~~department of revenue to shall~~ implement the provisions of 15-7-101 through 15-7-103 by providing:

23 (a) for a general and uniform method of classifying lands in the state for the purpose of securing an
24 equitable and uniform basis of assessment of lands for taxation purposes;

25 (b) for a general and uniform method of appraising city and town lots;

26 (c) for a general and uniform method of appraising rural and urban improvements;

27 (d) for a general and uniform method of appraising timberlands.

28 (2) All lands must be classified according to their use or uses and graded within each class according
29 to soil and productive capacity. In the classification work, use must be made of soil surveys and maps and all
30 other pertinent available information.

1 (3) All lands must be classified by parcels or subdivisions not exceeding 1 section each, by the sections,
2 fractional sections, or lots of all tracts of land that have been sectionized by the United States government, or
3 by metes and bounds, whichever yields a true description of the land.

4 (4) All agricultural lands must be classified and appraised as agricultural lands without regard to the best
5 and highest value use of adjacent or neighboring lands.

6 (5) In any periodic revaluation of taxable property completed under the provisions of 15-7-111, all
7 property classified in 15-6-134 and [section 1] must be appraised on the taxable portion of its market value in
8 the same year. The department shall publish a rule specifying the year used in the appraisal.

9 (6) All sewage disposal systems and domestic use water supply systems of all dwellings may not be
10 appraised, assessed, and taxed separately from the land, house, or other improvements in which they are
11 located. ~~In no event may the sewage disposal or domestic water supply systems be included twice by including~~
12 ~~them in the valuation and assessing them separately."~~

13

14 **Section 12.** Section 15-7-111, MCA, is amended to read:

15 **"15-7-111. Periodic revaluation of certain taxable property.** (1) The department shall administer and
16 supervise a program for the revaluation of all taxable property within classes three, four, ~~and ten, and fourteen.~~
17 All other property must be revalued annually. ~~The revaluation of class three, four, and ten property is complete~~
18 ~~on December 31, 1996. The amount of the change in valuation from the 1996 base year for each property in~~
19 ~~classes three, four, and ten must be phased in each year at the rate of 25% of the change in valuation from~~
20 ~~December 31, 1998, to the appropriate percentage of taxable market value for each class.~~

21 (2) The department shall value and phase in the value of newly constructed, remodeled, or reclassified
22 property in a manner consistent with the valuation within the same class and the values established pursuant
23 to subsection (1). The department shall adopt rules for determining the assessed valuation and phased-in value
24 of new, remodeled, or reclassified property within the same class.

25 (3) ~~Beginning January 1, 2001, the~~ The department of ~~revenue~~ shall administer and supervise a
26 program for the revaluation of all taxable property within classes three, four, ~~and ten, and fourteen.~~ A
27 comprehensive written reappraisal plan must be promulgated by the department. The reappraisal plan adopted
28 must provide that all class three, four, ~~and ten, and fourteen~~ property in each county is revalued by January 1,
29 2003, and each succeeding 6 years. The resulting valuation changes must be phased in for each year until the
30 next reappraisal. If a percentage of change for each year is not established, then the percentage of phasein for

1 each year is 16.66%. The department shall furnish a copy of the plan and all amendments to the plan to the
2 board of county commissioners of each county."

3

4 **Section 13.** Section 15-8-111, MCA, is amended to read:

5 **"15-8-111. Assessment -- market value standard -- exceptions.** (1) All taxable property must be
6 assessed at 100% of its market value except as otherwise provided.

7 (2) (a) Market value is the value at which property would change hands between a willing buyer and
8 a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of
9 relevant facts.

10 (b) If the department uses construction cost as one approximation of market value, the department shall
11 fully consider reduction in value caused by depreciation, whether through physical depreciation, functional
12 obsolescence, or economic obsolescence.

13 (c) If the department uses the capitalization of net income method as one approximation of market value
14 and sufficient, relevant information on comparable sales and construction cost exists, the department shall rely
15 upon the two methods that provide a similar market value as the better indicators of market value.

16 (d) Except as provided in subsection (3), the market value of special mobile equipment and agricultural
17 tools, implements, and machinery is the average wholesale value shown in national appraisal guides and
18 manuals or the value before reconditioning and profit margin. The department shall prepare valuation schedules
19 showing the average wholesale value when a national appraisal guide does not exist.

20 (3) The department may not adopt a lower or different standard of value from market value in making
21 the official assessment and appraisal of the value of property, except:

22 (a) the wholesale value for agricultural implements and machinery is the average wholesale value
23 category as shown in Guides 2000, Northwest Region Official Guide, published by the North American
24 equipment dealers association, St. Louis, Missouri. If the guide or the average wholesale value category is
25 unavailable, the department shall use a comparable publication or wholesale value category.

26 (b) for agricultural implements and machinery not listed in an official guide, the department shall prepare
27 a supplemental manual in which the values reflect the same depreciation as those found in the official guide;
28 and

29 (c) as otherwise authorized in Titles 15 and 61.

30 (4) For purposes of taxation, assessed value is the same as appraised value.

1 (5) The taxable value for all property is the percentage of market or assessed value established for each
2 class of property.

3 (6) The assessed value of properties in 15-6-131 through 15-6-134, 15-6-143, ~~and~~ 15-6-145, and
4 [section 1] is as follows:

5 (a) Properties in 15-6-131, under class one, are assessed at 100% of the annual net proceeds after
6 deducting the expenses specified and allowed by 15-23-503 or, if applicable, as provided in 15-23-515,
7 15-23-516, 15-23-517, or 15-23-518.

8 (b) Properties in 15-6-132, under class two, are assessed at 100% of the annual gross proceeds.

9 (c) Properties in 15-6-133, under class three, are assessed at 100% of the productive capacity of the
10 lands when valued for agricultural purposes. All lands that meet the qualifications of 15-7-202 are valued as
11 agricultural lands for tax purposes.

12 (d) Properties in 15-6-134, under class four, are assessed at ~~the applicable percentage~~ 100% of market
13 value minus any portion of market value that is exempt from taxation under 15-6-201(1)(z) and (1)(aa).

14 (e) Properties in 15-6-143, under class ten, are assessed at 100% of the forest productivity value of the
15 land when valued as forest land.

16 (f) Railroad transportation properties in 15-6-145, under class twelve, are assessed based on the
17 valuation formula described in 15-23-205.

18 (g) Properties in [section 1], under class fourteen, are assessed at the applicable percentage of market
19 value minus any portion of market value that is exempt from taxation under 15-6-201(1)(z).

20 (7) Land and the improvements on the land are separately assessed when any of the following
21 conditions occur:

22 (a) ownership of the improvements is different from ownership of the land;

23 (b) the taxpayer makes a written request; or

24 (c) the land is outside an incorporated city or town."
25

26 **Section 14.** Section 15-8-205, MCA, is amended to read:

27 **"15-8-205. Initial assessment of class four and class fourteen trailer, manufactured home, and**
28 **mobile home property -- when.** The department shall assess all class four and fourteen trailer, manufactured
29 home, and mobile home property immediately upon arrival in the county if the taxes have not been previously
30 paid for that year in another county in Montana."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Section 15. Section 15-10-420, MCA, is amended to read:

"15-10-420. Procedure for calculating levy. (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) For purposes of this section, newly taxable property includes:

- (a) annexation of real property and improvements into a taxing unit;
- (b) construction, expansion, or remodeling of improvements;
- (c) transfer of property into a taxing unit;
- (d) subdivision of real property; and
- (e) transfer of property from tax-exempt to taxable status.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

- (i) a change in the boundary of a tax increment financing district;
- (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
- (iii) the termination of a tax increment financing district.

1 (b) For the purpose of subsection (3)(d), the subdivision of real property includes the first sale of real
2 property that results in the property being taxable as class four or class fourteen property or as nonagricultural
3 land as described in 15-6-133(1)(c).

4 ~~(c) For the purposes of this section, newly taxable property does not include an increase in appraised~~
5 ~~value of land that was previously valued at 75% of the value of improvements on the land, as provided in~~
6 ~~15-7-111(4) and (5), as those subsections applied on December 31, 2001.~~

7 (5) Subject to subsection (8), subsection (1)(a) does not apply to:

8 (a) school district levies established in Title 20; or

9 (b) the portion of a governmental entity's property tax levy for premium contributions for group benefits
10 excluded under 2-9-212 or 2-18-703.

11 (6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes
12 received under 15-6-131 and 15-6-132.

13 (7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may
14 increase the number of mills to account for a decrease in reimbursements.

15 (8) The department shall calculate, on a statewide basis, the number of mills to be imposed for
16 purposes of 15-10-107, 20-9-331, 20-9-333, 20-9-360, 20-25-423, and 20-25-439. However, the number of mills
17 calculated by the department may not exceed the mill levy limits established in those sections. The mill
18 calculation must be established in whole mills. If the mill levy calculation does not result in a whole number of
19 mills, then the calculation must be rounded up to the nearest whole mill.

20 (9) (a) The provisions of subsection (1) do not prevent or restrict:

21 (i) a judgment levy under 2-9-316 or 7-7-2202;

22 (ii) a levy to repay taxes paid under protest as provided in 15-1-402; or

23 (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326.

24 (b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes
25 actually assessed in a subsequent year.

26 (10) The department may adopt rules to implement this section. The rules may include a method for
27 calculating the percentage of change in valuation for purposes of determining the elimination of property, new
28 improvements, or newly taxable property in a governmental unit."

29

30 **Section 16.** Section 15-16-102, MCA, is amended to read:

1 **"15-16-102. Time for payment -- penalty for delinquency.** Unless suspended or canceled under the
2 provisions of Title 15, chapter 24, part 17, all taxes levied and assessed in the state of Montana, except
3 assessments made for special improvements in cities and towns payable under 15-16-103, are payable as
4 follows:

5 (1) One-half of the taxes are payable ~~on or before~~ by 5 p.m. on November 30 of each year or within 30
6 days after the tax notice is postmarked, whichever is later, and one-half are payable ~~on or before~~ by 5 p.m. on
7 May 31 of each year.

8 (2) Unless one-half of the taxes are paid ~~on or before~~ by 5 p.m. on ~~November 30 of each year or within~~
9 ~~30 days after the tax notice is postmarked, whichever is later~~ the date due, the amount payable is delinquent
10 and draws interest at the rate of 5/6 of 1% a month from and after the delinquency until paid and 2% must be
11 added to the delinquent taxes as a penalty.

12 (3) All taxes due and not paid ~~on or before~~ by 5 p.m. on May 31 of each year are delinquent and draw
13 interest at the rate of 5/6 of 1% a month from and after the delinquency until paid, and 2% must be added to the
14 delinquent taxes as a penalty.

15 (4) (a) If the date on which taxes are due falls on a holiday or Saturday, taxes may be paid without
16 penalty or interest ~~on or before~~ by 5 p.m. of the next business day in accordance with 1-1-307.

17 (b) If taxes on property qualifying under the low-income property tax assistance provisions of
18 ~~15-6-134(1)(e)~~ [section 1(1)(c)] and 15-6-191 are paid within 20 calendar days of the date on which the taxes
19 are due, the taxes may be paid without penalty or interest. If a tax payment is made later than 20 days after the
20 taxes were due, the penalty must be paid and interest accrues from the date on which the taxes were due.

21 (5) A taxpayer may pay current year taxes without paying delinquent taxes. The county treasurer shall
22 accept a partial payment equal to the delinquent taxes, including penalty and interest, for one or more full ~~taxable~~
23 tax years, provided that taxes for both halves of the current tax year have been paid. Payment of taxes for
24 delinquent taxes must be applied to the taxes that have been delinquent the longest. The payment of taxes for
25 the current tax year is not a redemption of the property tax lien for any delinquent tax year.

26 (6) The penalty and interest on delinquent assessment payments for specific parcels of land may be
27 waived by resolution of the city council. A copy of the resolution must be certified to the county treasurer.

28 (7) If the department revises an assessment that results in an additional tax of \$5 or less, an additional
29 tax is not owed and a new tax bill does not need to be prepared."
30

1 **Section 17.** Section 15-32-405, MCA, is amended to read:

2 **"15-32-405. Exclusion from other tax incentives.** If a credit is claimed for an investment pursuant to
3 this part, no other state energy or investment tax credit, including but not limited to the tax credits allowed by
4 15-30-162 and 15-31-123 through 15-31-125, may be claimed for the investment. ~~Property~~ The property tax
5 reduction allowed by 15-6-201~~(3)~~(4) may not be applied to a facility for which a credit is claimed pursuant to this
6 part."

7
8 NEW SECTION. **Section 18. Codification instruction.** [Sections 1 through 3] are intended to be
9 codified as an integral part of Title 15, chapter 6, part 1, and the provisions of Title 15, chapter 6, part 1, apply
10 to [sections 1 through 3].

11

12 NEW SECTION. **Section 19. Effective date.** [This act] is effective on passage and approval.

13

14 NEW SECTION. **Section 20. Applicability.** (1) Except as provided in subsection (2), [this act] applies
15 retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2002.

16 (2) [Section 12] applies to reappraisals occurring after December 31, 2003.

17

- END -